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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,791	12/02/2003	Hiroto Nishiyama	IPO-P1881	3322
3624 7590 01/23/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,791

Applicant(s)

NISHIYAMA ET AL.

Examiner

HAOSHIAN SHIH

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 7 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 4, 7 and 26-29 are pending in this application and have been examined in response to application amendment filed on 12/15/2008.
2. Claims 26-29 are new.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Khosla et al. (Khosla, US 6,202,061 B1).**
5. As to **INDEPENDENT** claim 1, Khosla discloses an image processing apparatus comprising: first display means for displaying one or more images of a plurality of images (fig.2, display "513");
a first category designation section configured to designate one category from among a plurality of categories, provided to each of the one or more images displayed through the first display section (fig.5, "303"; col.6, lines 59-63; all images are designated in a picture database);

a classification section configured to categorize each of the one or more images displayed through the first display section into one or more of categories designated by the first category designation section (fig.9; images are classified via a user defined search query);

a second category designation section configured to designate one or more categories among the one or more categories classified by the classification section (fig.9; images are categorized in an album via a search query through the picture database);

a reduced image section configured to display reduced images of said images each of which belongs to any of the one or more categories designated by the second category designation section (fig.9, "905"; fig.5, "305"; search results are displayed in a thumbnail area);

a selection section configured to select two or more images from among the reduced images displayed in the reduced image display section (fig.9, "911"; fig.12E; reduced images from area "1251" can be selected and inserted to area "1253");

a comparison image display section configured to select two or more images selected by the selection section (fig.12E, area "1253a" and "1253b");

an image processing section configured to perform at least one image processing of reducing processing, enlarging processing, and moving processing on the two or more images displayed in the comparison image display section (col.5, lines 54-56; col.6, lines 38-42; a user may process multiple images **one image at a time** by "zooming", "rotating", and/or "panning" the image);

a selective designation section configured to select and designate an image from among the images displayed through the comparison image display section (fig.8B, window "picture properties", an image is selected from the comparison area and image properties such as the title of the image and the date of the image are designated via user input).

6. As to claim 2, Khsola discloses wherein the first display section includes any one of a browse display section configured to display a plurality of reduced images in an array, and a view display section configured to display one single image (fig.5; fig.12A; a browse display section displays thumbnails in a thumbnail region, a view display section can be configured to display one picture at a time in the Album page region).

7. As to claim 4, Khsola discloses a storage control unit for grouping one or more images selected and designated through the selective designation section and storing the grouped images into the same area in a recording medium (fig.9, images of a same category are stored in an album).

8. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khsola and Takiwa et al. (Takiwa, JP2000-298467 A).

As to **INDEPENDENT** claim 26, discloses an image processing apparatus comprising: a storage unit for storing a plurality of images in a recording medium;

a reduced image display section configured to display images stored in the recording medium, each displayed image belonging to any one or more categories designated by a category designation section, said images being reduced in size for inclusion in the reduced image section (fig.9, "905"; fig.5, "305"; search results are displayed in a thumbnail area);

a selection section configured to select two or more images from among the reduced image display section (fig.9, "911"; fig.12E; reduced images from area "1251" can be selected and inserted to area "1253");

a comparison image display section configured to display the two or more images selected by the selection section (fig.12E, area "1253a" and "1253b");

an image processing section configured to perform at least one of reducing, enlarging, and moving the two or more images displayed in the comparison image display to facilitate a selection of one of said two or more images (col.5, lines 54-56; col.6, lines 38-42; a user may process multiple images **one image at a time** by "zooming", "rotating", and/or "panning" operations); and

a selective designation section configured to select and designate an image from among the images displayed through the comparison image display section (fig.8B, window "picture properties", an image is selected from the comparison area and image properties such as the title of the image and the date of the image are designated via user input). Khsola does not disclose an image processing section configured to simultaneously perform at least one of reducing, enlarging, and moving the two or more images displayed in the comparison image display to facilitate a selection of one of said two or more images.

In the same field of endeavor, Takiwa discloses an image processing section configured to simultaneously perform at least one of reducing, enlarging, and moving the two or more images displayed in the comparison image display to facilitate a selection of one of said two or more images (drawing 3; sect. "DETAILED DESCRIPTION", par. [0011], images are synchronized and magnified together).

It would have been obvious to one of ordinary skill in the art, having the teaching of Khsola and Takiwa before him at the time the invention was made, to modify the digital media database taught by Khsola to include synchronous image manipulation taught by Takiwa with the motivation being to enable detailed comparative observation of multiplied images (Hiroyuki, Abstract).

11. As to claim 27, Khsola discloses wherein the comparison image display section is further configured to select for display images having at least one category designation in common (col.10, lines 19-20; all images are designated in at least "shoebox" category);

12. As to **INDEPENDENT** claim 28, see rationale addressed in the rejection of claim 26 above.

13. As to claim 29, see rationale addressed in the rejection of claim 27 above.

Response to Arguments

14. Applicant's arguments filed 12/15/2008 have been fully considered but they are not persuasive.

15. Applicant argues that Khsola does not disclose a first category designation section configured to designate one category from among a plurality of categories, provided to each of the one or more images displayed through the first display section.

In response to applicant's argument, Khsola discloses that all images are designated in a shoebox category picture database (fig.2, "513"; fig.5, "303"; col.6, lines 59-63 and displayed on a display device).

16. Applicant argues that Khsola does not disclose a second category designation section configured to designate one or more categories among the one or more categories classified by the classification section.

In response to applicant's argument, Khsola discloses the images are categorized in different via a search query through the picture database (fig.9).

17. Applicant argues that Khsola does not disclose a selection section configured to select two or more images from among the reduced images displayed in the reduced image display section

In response to applicant's argument, discloses a comparison image display section of two or more images, wherein the images are selected from a reduced/thumbnail images region (fig.9, "911"; fig.12E, area "305", "1253a" and "1253b");

18. Applicant argues that Khsola does not disclose a comparison image display section configured to select two or more images selected by the selection section.

In response to applicant's argument, Khsola discloses a comparison image display section of two or more images, wherein the images are selected from a reduced/thumbnail images region (fig.9, "911"; fig.12E, area "305", "1253a" and "1253b");

19. Applicant argues that Khsola does not disclose an image processing section configured to perform at least one image processing of reducing processing, enlarging processing, and moving processing on the two or more images displayed in the comparison image display section.

In response to applicant's argument, Khsola discloses a user may process multiple images **one image at a time** via "zooming", "rotating", and/or "panning" operations (col.5, lines 54-56; col.6, lines 38-42);

20. Applicant argues that Khsola does not disclose a selective designation section configured to select and designate an image from among the images displayed through the comparison image display section.

In response to applicant's argument, Khsola discloses in fig.8B of selecting an image from a comparison area "807", designate image properties "810a", "810b", "810c" via user input.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu D Vu/
Primary Examiner, Art Unit 2175